

**REMARKS**

This Reply is responsive to the Office Action dated February 8, 2005. Entry of the amendments and remarks submitted herein and reconsideration of the claimed subject matter pursuant to 37 CFR §1.116 is respectfully requested.

**I. Amendments to the Claims**

Claim 1 has been amended to delete reference to sequences having 90% identity to SEQ ID No.: 7. Claim 15 has been amended to maintain antecedent basis with claim 1. Claims 17-24 have been cancelled without prejudice to further prosecution. No prohibited new matter has been added.

**II. Rejection under 35 U.S.C. §112, First Paragraph**

Claims 1, 10, 15 and 16-23 were rejected under 35 U.S.C. §112, first paragraph, because the specification, while being admittedly enabling for an isolated and purified polypeptide comprising the amino acid sequence, SEQ ID No. 7, a method to identify compounds that inhibit PMK activity of *C. albicans* by contacting a test compound with the polypeptide SEQ ID No. 7, and a diagnostic kit comprising antibodies that bind to SEQ ID No. 7, allegedly fails to enable polypeptides possessing at least 90% similarity to SEQ ID No. 7 and the use of such polypeptides in the manner claimed.

Applicants maintain their traversal of the rejection. Nevertheless, in order to expedite allowance of the subject matter of claim 24, claim 1 has been amended to delete reference to polypeptides possessing at least 90% similarity to SEQ ID No. 7. Accordingly, claims 17-24 have been canceled. In view of the amendments and remarks above, withdrawal of the rejection of under §112, first paragraph for lack of enablement is respectfully requested.

**III. Rejection under 35 U.S.C. §102**

Claim 17 was rejected under 35 U.S.C. §102(b) as being allegedly anticipated by Tsay et al. Without agreeing with the rejection, Applicants note that claim 17 has been canceled by way of amendment above in order to expedite allowance of the subject

matter of claim 24. In view of the amendments above, withdrawal of the rejection of under §102 is respectfully requested.

This reply is fully responsive to the Office Action dated February 8, 2005. Therefore, a Notice of Allowance is next in order and is respectfully requested.

Except for issue fees payable under 37 CFR §1.18, the commissioner is hereby authorized by this paper to charge any additional fees during the pendency of this application including fees due under 37 CFR §1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 CFR §1.136(a)(3).

If the Examiner has any further questions relating to this Reply or to the application in general, he or she is respectfully requested to contact the undersigned by telephone so that allowance of the present application may be expedited.

Respectfully Submitted,

**Morgan Lewis & Bockius LLP**

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By:



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